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A Policy Statement on *Standards for* *Foster Care*

Executive Summary



Ministry of
Community and
Social Services

Deputy Minister

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April, 1985

Dear Friends,

I am pleased to release A Policy Statement on Standards for Foster Care. The release of this document marks the culmination of a comprehensive consultation process on practices and procedures necessary to ensure a uniform, minimum standard of foster care service throughout Ontario.

The conscientious participation of all those who responded reflects a high level of commitment to the children and families who benefit from these services, and also to the principles of good foster care. I am confident that your valuable contributions have resulted in significant improvements to the final standards, and ultimately to the provision of better foster care services in our province.

Since the release of Foster Care: A Discussion Paper in 1979, the Ministry, agencies and foster parents have been exploring ways to implement a series of initiatives to improve foster care service delivery. The establishment of these standards is yet another part of an ongoing provincial commitment to strengthen this important form of residential care for children.

The standards set out the Ministry's expectations for the level of service to be provided for children in foster care. These are derived from the best existing knowledge and practice and are important insofar as they set a benchmark against which service providers can evaluate and improve their practice. A high level of service cannot be guaranteed by regulations alone. The quality of our service depends equally as much on the commitment, skill and judgement of those providing it.

As we continue to confront the increased challenges in child welfare over the next decade, we must continually re-examine our values, our understanding and our practice. The benchmarks we set for ourselves today clearly must change and improve still further, if we are to meet the shifting demands of tomorrow. We release these standards today mindful that they are only a beginning.

I appreciate your continued interest in and commitment to this vital area of child welfare, and look forward to working with you as we strive together to meet the challenges facing us all.

Yours truly,

Robert M. McDonald
Deputy Minister.

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INTRODUCTION

This paper is an executive summary of A Policy Statement on Standards for Foster Care, which presents the policy of the Ministry of Community and Social Services on standards for foster care, the primary form of residential care for children in Ontario. The standards were developed to carry out the Ministry's commitments to improve foster care through a "comprehensive, coordinated and system-wide approach" and to establish province-wide standards for children's services generally.

This summary focusses on the Ministry's approach to implementation of the foster care standards. It does not present the policy on foster care standards in detail. The reader should refer to the full policy statement for a discussion of the major service issues encountered and resolved in the development of the foster care standards.

The sections that follow cover:

- o Roles and responsibilities: This section of the summary outlines the respective roles and responsibilities of the Ministry and the board of directors of an agency or operator. The developing role of Native groups in controlling foster care for Native children is also discussed.
- o Ministry licensing and regulation of operators of foster homes: To clarify Ministry expectations for foster care services, a distinction has been made for licensing purposes between the practices and responsibilities of agencies placing children in care and those of operators directly responsible for selection, support and supervision of foster homes. (In most cases, the same organization will serve as both placing agency and operator.) This section states the authority for issuance of a licence to a foster care operator, defines an operator, and lists the standards that will be contained in regulations under Bill 77, the Child and Family Services Act, that an operator will be required to comply with to receive a licence.
- o Terms and Conditions: This section states the mandatory terms and conditions that will be attached to every operator's licence. The board of directors of an agency or operator will review its operations with a program supervisor to ensure compliance with these standards. Because these standards cover "good practice", policy-making requirements and day-to-day management, the program supervisor and operator will negotiate the most efficient and effective way of implementing them in each agency.
- o Rights of children in foster care: This section explains how the legislated statement of rights of children in care in the Child and Family Services Act applies to children in foster care and how these rights are supplemented by the foster care standards.
- o Standards for placing agencies: This section outlines the application to placing agencies of standards covering the entry of the child into care, review of his stay in care and his discharge from care.

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ROLES AND RESPONSIBILITIES

Ministry standards, developed in consultation with service providers, specify the criteria against which the performance of persons, agencies or programs will be measured, and thus provide the basis for holding them accountable for their performance.

The standards also reflect efforts by the Ministry to clarify the respective accountability roles and responsibilities of the Ministry and service providers. Experience in the development and implementation of standards has made clear that an excess of regulation limits flexibility and inhibits the exercise of professional judgement in the delivery of service. The standards require only that activities the Ministry believes essential to ensure the protection and well-being of children and accountability are carried out. While the standards set more precise expectations for accountability than existed in the past, the Ministry has no intention of limiting an agency's capacity for internal accountability or its responsibility for the quality and effectiveness of its service or a sense of personal and professional responsibility on the part of an individual worker.

The Ministry is responsible for the overall planning of service, for the setting of broad service goals and directions and for the provision of financial assistance to meet those goals and service directions. It is responsible for assuring that the agencies it funds function economically, efficiently and effectively.

Agencies are responsible for the quality and effectiveness of the services they provide. They also must account to the Ministry for the funds they receive and for the expenditure of those funds in an efficient and economical way. An agency's board of directors bears the responsibility for ensuring the day-to-day management of the agency including:

- o establishment of service delivery goals, policy and practice
- o service planning and monitoring and evaluation of clinical practice
- o administration (personnel policy, staffing, supervision, etc.)
- o finance (budgeting, financial control and audit).

It is not possible to determine the exact cost of implementing the standards. Because the standards reflect currently accepted good practice and because of the extensive consultation, self-assessment by agencies and voluntary implementation that have occurred, it is believed that most are in place in agencies. Thus formal implementation should involve no major cost. However, practices of agencies vary, and some agencies are not now in compliance with the standards.

ASSISTING AGENCIES AND OPERATORS

The Ministry will assist agencies and operators whose practices do not comply with the standards to achieve compliance with those standards. Training supports and other assistance will be provided where the Ministry's area offices so recommend.

If an agency or an operator requires assistance in implementing standards, this should be planned and presented in the agency's or the operator's service plan. Service changes or changes in funding should be negotiated with the Ministry by the agency/operator and the area office through the service plan.

The Ministry will support the development of Native foster care as part of the development of Native child and family services. While Native-run foster care services are under development, the final foster care standards in the policy paper will apply to all agencies licensed to provide foster care for children. Native groups will be encouraged to participate in existing child welfare processes as a basis for determining those elements that are relevant to Native communities and for developing new standards that respond more effectively to Native needs. Band councils will be eligible to apply to be licensed to provide foster care under the standards that will apply initially to all foster care services.

MINISTRY LICENSING AND REGULATION OF OPERATORS OF FOSTER HOMES

Authority and responsibility for licensing under Bill 77 have been delegated to the regional and area offices of the Ministry. The legislation provides for all operators of foster homes to be licensed; an operator is a person who manages and controls foster homes where care is provided to three or more children at more than one location.

Operators of foster homes will be licensed on the basis of compliance with the minimum regulations for foster care. These regulations are few in number and consistent with the roles and responsibilities described above. The Ministry will be seeking assurance of compliance with basic requirements in the following areas:

- o Classification and management of foster homes: Each operator must have a system for classification of its foster home. Each operator must keep a complete, up-to-date roster of approved homes and of placements of children in the homes.
- o Support services for foster parents: Each operator must fulfill an agreement for service with every foster parent in its service. In addition to reimbursement, the agreement will cover training, supervision and relief, as well as obligations and responsibilities of either the foster parent or operator for professional consultation, attendance at clinics and conferences, court appearances and record keeping as required by the plan of care of a child.
- o Planning and implementation of service for the child: Each operator accepting children for foster care placement must have a written policy specifying the criteria for selection of a suitable placement for any child. Each operator providing foster care must participate in the development of a foster care plan for each child placed in a foster home covering the duration of the child's stay in the home, and with the child and foster parents review the implementation of the plan regularly and routinely.
- o Supervision: Each operator must supervise its foster homes, and make regular, routine visits to the homes.

Monitoring and licensing will be carried out by the Ministry's program supervisors. The specific standards on which issuance of a licence will depend are set out below.

REGULATIONS FOR OPERATORS OF FOSTER HOMES: LICENSING REQUIREMENTS

Foster Care Planning, Placement and Review

FP-01 **Planning for Foster Care**

FPS-01.1 The operator shall:

- a) accept a child for foster care only after:
 - i) A preliminary assessment of the child has been completed.
 - ii) The immediate objectives of foster care for the child designed to meet the developmental, emotional, social, medical and educational needs of the child have been identified as required.
- b) in planning for the child, review with the placing agency the assessment report completed within 21 days after placement of the child
- c) participate with the foster parents in the finalization of the foster care plan to be completed within 30 days after the placement
- d) consult with the agency and the foster parents to ensure that directly or through referral to the appropriate professional, school, clinic or hospital, as part of the foster care plan:
 - i) A developmentally, physically or learning-handicapped or emotionally disturbed child who is not already receiving remedial instruction or treatment for his handicap or disability or emotional disturbance receives an evaluation and/or treatment or consultation as needed.
 - ii) Each developmentally handicapped child receives an individual program plan and each physically handicapped child receives a specific plan designed with the overall goal of moving towards independence in life skills for the child and containing time-limited, measurable objectives.
 - iii) A plan is developed for the supervision of each emotionally disturbed child and his foster parents that states methods to be used and supports to be provided to the foster parents in managing and caring for the child.

FP-02 Placement Selection

FPS-02.2 The operator shall select a foster family placement for a child and place the child with that family only after:

- a) completion of an assessment of the family and approval of the family for fostering (SEE: SDMS-02.1)
- b) disclosure to the foster parents of all information known to the operator about the child that is relevant to the care of the child (SEE: FPS-02.1)
- c) agreement by the foster parents to the placement of the child on the basis of this information (SEE: FPS 02.2)
- d) agreement by the placing agency to the placement.

A written statement of any needs of the child that cannot be met by this placement, of how the needs will be met and of any reservations or concerns expressed by the foster family about the placement of the child in their home shall be included in the child's file.

FP-03 Capacity of Foster Home

FPS-03.1 The operator shall ensure that no more than four foster children and no more than two foster children under two years of age are placed in a foster home, unless otherwise approved by the Director where all of the foster children are of common parentage or related to the foster parents.

FP-05 Placement

FPS-05.1 The placing agency and/or the operator shall:

- a) arrange for a worker known to the child to accompany the child to the foster home on the date of the actual placement, except where the agency's and/or the operator's director or his designate approves another adult accompanying the child
- b) ensure that the foster parents have received in writing by or at the time of the actual placement the health, medical and dental data necessary for the care of the child including specification of medical disorders, handicaps, allergies and limitations on activity.

FP-07

Foster Care Plan Review

FPS-07.1

The operator shall review and if necessary amend the foster care plan with the involvement of the placing agency, the child, the foster parents and the natural parents:

- a) at least every three months
- b) when there is a change in the child's placement.

The reason or reasons for lack of involvement of these parties shall be noted in the plan. The date of each review and any changes in the plan shall be recorded in the child's file. A supervisor shall examine the file at the time of each review to ensure that the required recording and documentation have been carried out, and shall sign and date the record.

Selection, Development and Management of Foster Homes

SDM-01

Classification of Foster Homes

SDMS-01.1

As part of its system for the selection, development and management of foster homes, the operator shall:

- a) have a system for the classification and utilization of its foster homes
- b) establish procedures for the recruitment, screening and selection of foster parents
- c) keep up to date a list of approved foster homes
- d) supervise its foster homes
- e) evaluate its homes annually according to the objectives set for the type and level of care to be provided in the home.

SDM-02

Approval of Foster Homes

SDMS-02.1

The operator shall approve a home for fostering only after:

- a) conducting both joint and separate interviews with each parent in a two-parent home and a minimum of one planned interview held in the applicants' home

- b) meeting other members of the family and other persons living in the home
- c) requesting the applicants to provide the names of at least three persons in the community who can provide references for the family, contacting these persons by letter and/or telephone and making a record of their comments regarding the suitability of the applicants for fostering
- d) obtaining a written statement from a licensed physician or an individual approved by the local medical officer of health regarding the general health and specific illnesses or disabilities of foster parent applicants and family members that might interfere with fostering

SDM-03 Housing Requirements

- SDMS-03.1 An operator worker shall visit the applicant's home to determine that it is suitable for placement of a foster child. The worker shall see common living areas of the applicants' home, the proposed sleeping area of a foster child, the grounds surrounding the house and play space used by children on the premises or recreational areas within walking distance. A record of the visit shall be made in the applicants' file.
- SDMS.03.3 The operator shall ensure that the regular sleeping accommodation for foster children meets the following minimum specifications unless otherwise approved by the Director:
- a) No rooms without windows shall be used as bedrooms.
 - b) No foster child shall sleep in a building detached from the foster home, an unfinished attic, unfinished basement or a stairway hall.
 - c) Each foster child shall have a bed appropriate to his age, a clean mattress and bedding appropriate for the weather and climate.
 - d) No foster child shall share a bed or the sleeping room of any adult couple or adult of the opposite sex unless the needs of an infant or illness of a child require this arrangement.
 - e) No foster child over six years of age shall share a bedroom with another child of the opposite sex.

SDM-07

Foster Care Service Agreement

- SDMS-07.1 The operator shall conclude a written foster care service agreement with the foster parents during the approval process prior to the placement of the first foster child. The service agreement shall include:
- a) the respective roles, responsibilities and obligations of the operator and the foster parents
 - b) support and training services provided by the operator to the foster parents during the placement of children including:
 - i) frequency and form of supervision
 - ii) relief services
 - iii) training opportunities
 - iv) professional consultation for the foster child
 - c) financial arrangements for the care of children:
 - i) the basis for determining the amount of payment
 - ii) the method of payment
 - iii) frequency of payment
 - iv) reimbursable expenditures
 - d) a statement of confidentiality signed by the foster parents
 - e) frequency of performance evaluation
 - f) the basis for termination.

The operator shall review the service agreement at least annually or at the request of the foster parent as the needs of the child dictate and shall update specific provisions as changes are made.

SDM-10

Supervision and Support of Foster Homes

- SDMS-10.1 The operator shall assign a worker to supervise and support every foster family approved for placement and to arrange for the support services provided for in the service agreement. The worker shall:
- a) respond to foster parent inquiries within 24 hours of the contact
 - b) visit a foster family home where a child is placed and talk with at least one foster parent within seven days of the placement, once again within 30 days of the placement and every three months thereafter
 - c) contact a family not currently caring for a child every three months.

STANDARDS FOR OPERATORS OF FOSTER HOMES: TERMS AND CONDITIONS

Final standards that do not become part of the regulations under the licensing section of Bill 77 will be mandatory terms and conditions. Every operator's licence will have the mandatory terms and conditions placed on it. Operators will be licensed on the basis of compliance with the regulations and with the terms and conditions.

The standards included in the mandatory terms and conditions are considered a part of the responsibility of the board of directors of an agency or operator providing foster care services for ensuring quality service and for managing policy and program service delivery. Since they encompass the day-to-day good practice of an agency, the ministry's program supervisor will negotiate with the board how these standards will be implemented in the agency's foster care services. Where a private operator of foster homes does not have a board of directors, responsibility for negotiating and implementing these standards rests with the operator.

Some of the standards grouped in this section of the summary appear in Bill 77 as legal responsibilities of Children's Aid Societies. They are repeated here because they apply to all operators of foster care and also because they provide a clear expectation of how the obligation for foster care is to be met. One such standard is the requirement for a complaint procedure for foster parents. This also appears in section 65 of Bill 77, which requires Children's Aid Societies to have a procedure for complaints.

Service Delivery

FP-02 Placement Selection

- FPS-02.1** Before selecting a placement, the operator shall obtain the following background information in writing from the placing agency:
- a) identifying information on the child: full name, sex, birth date, address
 - b) the child's family background: size, birth order, cultural, racial, linguistic, religious and socio-economic background, parental and other family relationships
 - c) school information: name and address of school, name of teacher, grade in school, current performance level

- d) medical data: name and address of family doctor and/or hospital used, medical problems of the child including physical handicaps or limitations on physical activity, allergies, current medication, history of illness and immunization record as available
- e) a description of the child's interests and any hobbies or recreational activities the child enjoys
- f) a statement of the child's strengths and problems and known psychological or psychiatric information available including behaviour problems, juvenile record or unusual habits
- g) a statement of the child's needs in care
- h) the probable duration of foster care and the plans for parental contact and visiting of the child.

Where this information is not available at the time the placement is selected, the operator shall obtain the information from the agency by the time the assessment report is completed. Where this information cannot be obtained, the operator shall note the reason in the child's file.

FP-04 Emergency Placement

FPS-04.1 The operator shall keep up to date a list showing the number and location of beds available for emergency placement and shall make this list available to workers.

FP-06 Natural Family Involvement

FPS-06.1 The operator shall provide written policies and procedures for workers and foster families regarding the involvement of natural parents with their child in care.

FP-08 Food and Nutrition

FPS-08.1 The operator shall provide the foster parents with information on the foster child's eating habits so that the foster parents can provide foods to the child that constitute a balanced diet for him. Where a licensed physician prescribes a special diet for a foster child or special feeding arrangements are required, the operator shall provide the foster parents with instructions regarding the preparation of such a diet or the handling of the special feeding arrangements.

FP-09 Clothing

- FPS-09.1 The operator shall ensure during the period while the child is in foster care that the child has a supply of clothing suitable to the child's size, age and activities, foster family norms and the climate, and that appropriate storage is provided for his clothing.

FP-10 Health Care Responsibilities

- FPS-10.1 The operator shall provide written policies and procedures for workers, foster parents and natural parents stating the responsibilities and obligations of each party in regard to the provision of health care, including the administration of prescription drugs, hospitalization, medical and/or surgical treatment and emergency medical care.

FP-11 Education and Learning

- FPS-11.1 The operator shall assign a worker and/or the foster parents to contact quarterly the foster child's teacher and/or school principal and/or other school personnel as necessary, to assess the child's adjustment and progress in school.

FP-12 Hazardous Goods

- FPS-12.1 The operator shall have a written policy and procedural guidelines with respect to the purchase and possession of any goods for or by the foster child that pose a threat to the foster child's or the foster family's health and/or safety, and shall advise workers and foster parents of the policy and the guidelines.

FP-13 Daily Chores, Work and Use of Money

- FPS-13.1 The operator shall have a written policy regarding work done and money earned by the foster child inside or outside of the foster home and shall advise workers and foster parents of the policy.

FP-14 Privacy

- FPS-14.1 The operator shall have a written policy regarding the foster child's privacy in receiving and sending mail and in receiving and making telephone calls, and shall advise workers and foster parents of the policy.

FP-15

Discipline

FPS-15.1

The operator shall provide:

- a) written policies regarding discipline that set out acceptable and unacceptable practices for workers and foster parents
- b) instruction on acceptable methods of discipline to all foster parents as part of foster parent orientation.

FPS-15.2

Unacceptable disciplinary practices shall include:

- a) deliberately harsh or degrading responses that could result in the humiliation of a child or the undermining of a child's self-respect
- b) deprivation of basic needs including food, shelter, clothing or bedding
- c) extensive and prolonged withholding of emotional response or stimulation after the undesirable behaviour of the child has stopped
- d) placing or keeping a child in a locked room
- e) threatening removal of the foster child from the foster home in an attempt to control behaviour
- f) corporal punishment by foster parents or by another child or group of children condoned by foster parents
- g) punching, shaking or shoving or other forms of aggressive physical contact.

FP-16

Placement Change

FPS-16.1

An operator worker shall meet with the foster child and the foster parents as soon as possible within five days of a request for a change in placement by the foster parents and/or the child to determine whether a change in placement is needed. A decision to move the child shall be made by the operator worker and his supervisor in conjunction with the placing agency.

FPS-16.2 An operator worker shall begin to prepare the foster child and foster family for any change in placement as soon as possible after the decision for placement change is made. Such preparation shall include at least one meeting of the worker with the foster child and the foster parents before the move is made. A record of the process whereby the child and the foster family were prepared for the placement change shall be made in the child's file.

Management of Foster Care Service

SDM-03 Housing Requirements

SDMS-03.2 The worker shall determine that the home:

- a) has specifically designated spaces for informal living, dining, food preparation and storage, and separate rooms for sleeping and bathing
- b) is equipped with a means of providing and maintaining a supply of heat to habitable rooms
- c) is in a condition free of hazards to physical safety, and garbage, refuse and other wastes are disposed of in such a way as not to constitute a health hazard.

SDM-04 Emergency, Fire, Safety and Health Protection

SDMS-04.1 To protect the safety of foster children, the operator shall:

- a) ensure that there is a means of communicating regularly and routinely with persons approved for fostering and every foster home has a telephone or access to a telephone except where telephone service is not available to the community
- b) inform persons approved for fostering that agency policy regarding weapons is that all weapons including firearms, air rifles, bows and hunting sling shots shall be made inoperable and inaccessible to children when not in use
- c) ensure that any home that is approved for foster care has a single station smoke detector with alarm device between the bedrooms and the remainder of the home approved by Underwriters' Laboratories of Canada
- d) ensure before a foster child is placed that the foster parents have a procedure for evacuating the home in case of fire. The foster parents shall inform each foster child of the exit to use and how to use it in case of fire.

SDM-05 The Assessment Decision

SDMS-05.1 The operator shall complete an assessment of the foster family and their home, prepare a written report and arrange to meet with the applicants to share the content of the report within five working days of the decision to accept or reject the applicants.

SDM-06 Unsuitability of Applicant

SDMS-06.1 The operator shall have a written policy and procedures regarding acceptance or rejection of applicants and the policy shall specifically cover verified and suspected child abuse and neglect. The policy and procedures shall be made available to workers responsible for the foster family assessment.

SDM-08 Orientation

SDMS-08.1 The operator shall begin an orientation to fostering for new foster parents prior to the placement of the first foster child in the home including a minimum of one individual or one group meeting, and provide written material to foster parents on the operator's foster care policies and practices at the start of the orientation.

SDM-09 Criteria for Placement Selection

SDMS-09.1 The operator shall provide written policies stating the criteria that shall be met in the selection of a suitable placement for any child. The criteria to be used in selecting a placement shall include reference to:

- a) the child's cultural, racial, linguistic and socio-economic background and kinship ties
- b) the child's religious background
- c) the child's developmental, emotional, social, medical and educational needs
- d) the child's interests, abilities, strengths and problems.

SDM-11 Relief and Emergency Services

SDMS-11.1 The operator shall have written policies and procedures for the provision of both planned and emergency relief services for foster parents when required and shall ensure that a worker is available to respond within 24 hours to emergencies reported by foster parents.

SDM-12 Foster Parent Development

SDMS-12.1 The operator shall have written policies and practices with respect to development of its foster parents.

SDM-13 Transportation and Travel

SDMS-13.1 The operator shall advise foster parents of the operator's position regarding the arrangement of travel for foster children inside and outside of the Province of Ontario.

SDM-14 Reporting of Serious Occurrences

SDMS-14.1 The operator shall inform the foster parents in writing of the serious occurrences involving the foster child that the foster parents shall report immediately to the operator. The operator shall provide emergency telephone numbers to the foster parents to call to report serious occurrences taking place after office hours. The serious occurrences that shall be reported include:

- a) the death of the child
- b) serious illness, serious injury or hospitalization of the child
- c) a charge under the Young Offenders Act
- d) abuse or mistreatment of the child
- e) apprehension by police
- f) alcohol or drug abuse
- g) fire or other disasters in the home
- h) absences of the child without permission from the home
- i) any other serious occurrence pertaining to the child.

SDMS-14.2 The operator shall report within 24 hours to the placing agency:

- a) the death of the child
- b) serious illness, serious injury or hospitalization of the child
- c) abuse or mistreatment of the child
- d) fire or any other serious occurrence concerning the child.

SDMS-14.3 The operator shall report within 24 hours to the Director:

- a) the death of the child
- b) serious illness, serious injury or hospitalization of the child
- c) abuse or mistreatment of the child.

SDM-15 Annual Foster Home Review

SDMS-15.1 The operator shall complete an annual written review of each foster home following a minimum of one interview with the foster parents for that purpose. The review shall be signed by both the foster parents and the operator and shall be placed in the foster family's file.

SDM-16 Service Complaint from Foster Parent

SDMS-16.1 The operator shall have a written complaint process for foster parents that shall be made known to foster parents during orientation. The written complaint process shall state:

- a) how to launch a complaint
- b) the circumstances that would warrant an investigation of a complaint
- c) who is to be involved
- d) the structure of the review hearing
- e) the authority of any conclusions
- f) the appeal procedure.

The operator shall respond to every service complaint from a foster parent within 24 hours of receiving the complaint and begin an investigation within five working days if warranted. The results shall be reported to the foster parents within five working days of concluding the investigation and shall be recorded in the foster family's file.

SDM-17 Investigation of Complaint Against Foster Family

SDMS-17.1 The operator shall respond to every complaint against a foster family concerning the care of their foster child within 24 hours of receiving the complaint and begin an investigation within five working days if warranted. The results shall be reported to the foster parents within five working days of concluding the investigation and shall be recorded in the foster family's file. The recording shall include:

- a) the circumstances of the complaint that warranted the investigation
- b) who was involved
- c) the structure or form of the investigation
- d) the recommendation
- e) the decision made or action taken.

SDMS-17.2 The operator shall have policies and procedures relating to the investigation of complaints regarding foster parent actions that contravene the provisions of FPS-15.2 (concerning unacceptable disciplinary measures). These shall be made available to workers and foster parents during orientation.

SDM-18 **Foster Home Closure**

SDMS-18.1 The operator shall provide workers with written policies and procedures for closing foster homes. In situations where the foster parents oppose the agency's decision to close their home, the procedures shall include:

- (a) a minimum of one interview with the foster parents
- (b) a letter signed by the operator or his designate sent to the foster parents stating that their home is officially closed and that any agreements they have entered into with the operator or its workers are terminated.

SDM-19 **Contents of Foster Child Files**

SDMS-19.1 The operator shall maintain a written case file for each foster child in care including the following:

- a) admission and placement documentation:
 - i) identifying information and family background information
 - ii) the assessment report
 - iii) a record of all court orders and a summary of juvenile court findings, where applicable
 - iv) health care, medical and dental history and reports
 - v) school information including copies of all school reports
- b) recording of care plans and reviews, where applicable:
 - i) the foster care plan
 - ii) psychological, psychiatric, educational and other reports pertaining to the functioning and/or care of the foster child
 - iii) in the case of a developmentally, physically, learning-handicapped or emotionally disturbed child, a copy of evaluations made and plans provided by any professional, school, clinic or hospital service
 - iv) plans made with the natural parents
 - v) foster care plan and placement reviews
- c) recording of any serious occurrences reported by the foster parents or other persons or agencies involved with the care of the child including a description of the incident, who reported it, the date and the time.

SDM-20 Contents of Foster Family Files

- SDMS-20.1 The operator shall maintain a written file for every foster family approved and open for placement of children. The file shall include the following:
- a) the assessment of the foster family and their home
 - b) a copy of the foster care service agreement
 - c) a copy of every annual foster home review
 - d) a record of any complaint made by the foster parents
 - e) a record of any investigations regarding a complaint against the foster family.

SDM-21 Confidentiality of and Access to Information

- SDMS-21.1 The operator shall keep all foster care records on the operator's premises and in a locked container.
- SDMS-21.2 Information held by the operator on a foster child shall be available to:
- a) the child of 12 years of age or older
 - b) the legal guardian of the child
 - c) authorized persons in the employ of the operator
 - d) the child's foster parents when they have signed a statement of confidentiality
 - e) other agencies, professionals or hospitals when authorization has been given following written consent to release of the information by the child of 16 years of age or older or the legal guardian of a child under 16 years of age.
- SDMS-21.3 Information held by the operator on a foster parent shall be available to:
- a) the foster parent, except for references and other information given to the operator in confidence
 - b) authorized persons in the employ of the operator
 - c) other agencies, professionals or hospitals when authorization has been given following written consent to release of the information by the foster parent.

RIGHTS OF CHILDREN IN FOSTER CARE

Bill 77 includes a statement of rights of children in care that applies to children in foster care. These rights are consistent with the rights stated in the original foster care consultation paper. Under Bill 77, the rights of each child in care include:

1. communication
2. personal liberties
3. a plan of care
4. food
5. clothing
6. medical and dental care
7. an education
8. recreational and athletic activities
9. participation in decision making
10. information concerning the child's rights and responsibilities.

The implementation in practice of these rights as they apply to children in foster care is discussed below. Legislated rights under Bill 77 are supplemented by the foster care standards. All operators of foster homes must adhere to these rights.

1. Communication.

The legislation states concerning rights of communication that a child in care has a right to:

- o speak in private with, visit and receive visits from members of his family regularly (1)
- o speak in private with and receive visits from his solicitor, another person representing the child, the provincial Ombudsman and members of his staff, and a member of the Ontario legislature or the Parliament of Canada
- o send and receive mail, subject to certain restrictions.

Mail to a child in care may be opened by the service provider in the child's presence and inspected for prohibited articles. It may be examined or read if there are reasonable grounds to believe that it may cause the child physical or emotional harm, but it may not be examined or read if it is from the child's solicitor and it may not be censored or withheld from the child, except that articles prohibited by the service provider may be removed from the mail and withheld from the child.

(1) A child in care who is a Crown ward or a Children's Aid Society ward is only entitled to speak with, visit or receive visits from a member of his family under an order for access made under the child protection section of the Act.

The final standard on privacy touches on these rights of communication. It requires the operator to have a written policy regarding the foster child's privacy in receiving and sending correspondence and in receiving and making telephone calls, and to advise workers and foster parents of the policy. The operator will be expected to reflect the child's rights of communication under the legislation and to interpret them to workers and foster parents through this policy statement.

2. Personal liberties.

On the personal liberties of the child in care, the legislation states that he has a right to:

- o have reasonable privacy and possession of his own personal property
- o receive the religious instruction and participate in the religious activities of his choice, subject to parental direction where the parent of the child retains a right to direct the child's religious upbringing.

The legislation also states that no service provider or foster parent may inflict corporal punishment on a child or permit corporal punishment to be inflicted on a child in the course of the provision of service to the child.

"Reasonable privacy" may be viewed as encompassing both intellectual and physical privacy. The child's rights of private communication under the legislation and the implementation of these rights through standards on privacy are discussed above. The final standard dealing with confidentiality of records permits the child aged 12 years or older access to information on himself that is held by the operator; it limits other access to information on the child to authorized persons in the employ of the operator, to the child's foster parents when they have signed a statement of confidentiality and to certain other parties with appropriate consent. In addition, the consent of the child of 16 years of age or older or of the natural parents or guardian of the child under 16 years of age is required for the transfer of information about the child.

The consultation paper indicated that certain proposals were intended to ensure a reasonable degree of privacy of accommodation for the child. A final standard requires a visit to the home of prospective foster parents to determine that it is suitable for placement of a foster child. This broadly stated requirement allows the worker to take privacy into account when determining the suitability of a home for foster care, recognizing that the degree of privacy a child requires will depend on his age and cultural background.

The importance of personal belongings for a child separated from his natural parents and home is noted in this paper as it was in the consultation paper. The position taken in developing the foster care standards is that the child should be encouraged to take belongings that are important to him to the foster home to help him see it as his home. Restrictions on what the child takes to the foster home should be limited to considerations of safety, health and the size of the item. This approach is reflected in the final standard that requires an operator of foster homes to have a written policy and procedural guidelines with respect to the purchase and possession of hazardous goods for or by the foster child.

The consultation paper stated the Ministry's position that care should be taken to respect both the religious preference of the child and/or his natural family and the practice of the potential foster parents when placing the child. A child who has previously participated in religious observance should be given the opportunity to continue to practice his religion in accordance with his personal preference or the customary practice of his natural family. Careful consideration should be given to the appropriateness of placing a child who is not from a religious background with religiously observant foster parents. In any placement, participation by the child in religious observance should be voluntary rather than compulsory.

It is required that information on the religious background of the child's family be obtained prior to selection of a foster home for the child. The prospective foster parents must receive all information known to the operator about the child that is relevant to the care of the child and the foster parents must agree to the placement of the child on the basis of this information. These requirements should ensure that the foster parents are in agreement with the child's and/or the natural family's wishes regarding participation in religious observance by the child.

It should be noted that consultation on this point revealed that some foster parents believe strongly in involving the foster children in their care in their own religious observance, holding that to do so helps the children feel accepted in and a part of the foster family. The foster family's religious practice must not supersede the preference of the child and/or his natural family. Airing religious concerns while placement with a particular foster family is under consideration will give the foster parents the opportunity to decline a placement that would not be in accord with their own religious practice.

Several of the final standards address corporal punishment in different ways. The standard dealing with unacceptable disciplinary practices expressly forbids corporal punishment as well as aggressive physical contact and deprivation of basic needs such as food, shelter, clothing or bedding. There is a standard requiring a prompt response to every complaint against a foster family concerning the care of their foster child and another requiring specific policies and procedures for the investigation of complaints alleging the use of unacceptable disciplinary practices. These requirements are, of course, in addition to those for the protection of children under Bill 77.

3. A plan of care.

The legislation states that a child in care has a right to a plan of care designed to meet his particular needs and prepared within 30 days of his admission to the placement. Further, it states that the child has the right to participate in the development of the plan of care and in any changes made in it.

These rights are reflected in several of the final standards. One requires that a preliminary foster care plan be prepared prior to selection of the placement for the child with the involvement of the child in a manner suited to the child's age and understanding. Another requires that the plan be finalized within 30 days of placement. The foster care plan must also include the long-term goals and immediate objectives of foster care for the child designed to meet his developmental, emotional, social, medical and educational needs. The plan must be reviewed regularly and if necessary amended with the involvement of the child.

4. Food.

The legislation states that the child in care has a right to receive meals that are well balanced, of good quality and appropriate for the child. A child's foster parents must receive information on his eating habits so they can give him a balanced diet, and they must be provided with special dietary information or feeding arrangements where needed.

5. Clothing.

The legislation states that the child in care has a right to be provided with clothing that is of good quality and appropriate for the child, given his size and activities and prevailing weather conditions. Clothing for the foster child must be suitable to his age and foster family norms as well as his size and activities and the climate.

6. Medical and dental care.

The legislation states that the child in care has a right to receive medical and dental care - subject to parental direction where the parent of the child retains a right to give or refuse consent to medical treatment for the child - at regular intervals and whenever required, in a community setting whenever possible. A placing agency standard covering general health, medical and dental care requires a check for evidence of injuries and communicable diseases at the time of admission to care, a complete physical examination within 30 days and annual examinations thereafter as well as regular dental care. The standard also provides for further hearing, vision, psychological and psychiatric assessments and treatments. It requires an ongoing immunization program as well, except for children whose parents provide a statement of medical or religious exemption.

7. An education.

The legislation states that the child in care has a right to receive an education that corresponds to his aptitudes and abilities, and is provided in a community setting whenever possible. Two of the standards reflect the importance of the child's education. The placing agency standard stating the requirements for assessment includes specific reference to the child's educational history and needs, as does the standard dealing with the content of the foster care plan.

8. Recreational and athletic activities.

The legislation states that the child in care has a right to participate in recreational and athletic activities that are appropriate for his aptitudes and interests, in a community setting whenever possible. Attention to the recreational needs of the foster child is reflected in several standards. The placing agency standard dealing with assessment includes play and recreational interests in the background information to be collected on the child, as well as identification of any recreational services to be continued or provided to meet the child's needs. These services and arrangements for the child must be specified in the foster care plan. The child's interests and any hobbies or recreational activities the child enjoys are listed among the background information to be obtained prior to placement selection. The final standard dealing with housing requirements for foster care provides for a check of the play space used by children on the premises or recreational areas within walking distance of a prospective foster home.

9. Participation in decision making.

The legislation states that the child in care has a right to be consulted and to express his views, to the extent that is practical, given the child's level of understanding, whenever significant decisions concerning the child are made. These include decisions with respect to medical treatment, education and religion and decisions with respect to the child's discharge from the placement and transfer to another placement.

As noted above, involvement of a child of any age in his foster care plan in a manner suited to his age and understanding is required. The placing agency must seek the agreement to the plan of the child of 12 years of age or over, and involve the child of any age in subsequent reviews of the plan. The child must be involved in the development of a plan for continuing support to the child and his natural family after discharge.

10. Information concerning the child's rights and responsibilities.

The legislation states that the child in care has a right to be informed, in language suitable for his level of understanding, on admission to the placement, of:

- o the child's rights as stated in the legislation
- o a written procedure that a service provider is required by the legislation to establish for hearing and dealing with complaints regarding alleged violations of the rights of children in care
- o the existence of the Office of Child and Family Advocacy that may be established under the legislation
- o the review procedures available in the case of a child who is in temporary detention, committed to secure or open custody or held in a place of open custody
- o the child's responsibilities while in the placement
- o the rules governing day-to-day operation of the residential service including disciplinary procedures.

PLACING AGENCY STANDARDS

The standards that will apply to placing agencies involve responsibility for the entry of a child into care, review of his stay in care and his discharge from care. The placing agency has the responsibility for determining the course of service for the child. The placing agency makes the decision that the child requires out-of-home care and specifically foster care, provides an assessment that in part substantiates that decision, and prepares the general plan of care for the child. The placing agency also has the responsibility for reviewing the child's placement regularly to ensure that it continues to meet his needs, and for preparing plans for transfer or discharge and aftercare as appropriate. The Ministry is considering introducing some of these requirements under Bill 77 for all children being considered for any residential placement.

These standards will apply to placing agencies either through regulations or through the management responsibility of the agencies' boards of directors.

STANDARDS FOR PLACING AGENCIES

PA-01 **Screening**

PAS-01.1 The placing agency shall have a process for screening of potential clients to determine their need for service, and shall provide written guidelines to assist workers involved in the acquisition and evaluation of information to determine the need for service.

PA-02 **Alternative Services**

PAS-02.1 The placing agency shall keep up to date a list of services in the community that assist families and children, and may be used by the agency for referral. A copy shall be made available to all workers involved in screening.

PA-03 **Assessment**

PAS-03.1 The placing agency shall:

- a) conduct a preliminary assessment prior to the admission of a child to care, except in emergency situations, to determine the needs of the child and whether the child is likely to return home after residential care, which shall include the following information:

- i) identifying information
 - ii) referral data (source, date)
 - iii) the legal status of the child
 - iv) any circumstances that have created or contributed to the need for intervention
 - v) any special needs of the child arising from drug and/or alcohol use, sexual orientation, behavioural disorder, or delinquency including a juvenile record
 - vi) identification and consideration first of members of the child's immediate and extended family and secondly of other adults known to the child and his natural family and who can meet the child's needs
- b) complete an assessment report within 21 days after placement of the child, in the case of either a planned or an emergency placement, which shall include information in (a) and the following information:
- i) a history of the family members including social stresses, personality characteristics and current functioning related to health, work, adequacy and management of income, marital status, family relationships, family dependencies and community relationships
 - ii) the personality, characteristics and habits of the child including current physical, social, emotional, and intellectual development, educational history, and current functioning related to health, home routines, school activities and play, recreational or social interests, relationships with family members and peers, attitude towards discipline and parental control
 - iii) any inadequacies in the child's home that are judged to be emotionally and/or physically detrimental to the child
 - iv) any emotional, physical or developmental handicaps or problems of the child that preclude the child's care, management or treatment in his own home
 - v) significant events occurring in any previous placement
 - vi) the child's history of emotional attachment, his potential ability to deal with the experience of separation from his natural parents, and to benefit from living with another family, and his understanding of the situation
 - vii) any psychiatric, psychological, remedial, vocational, social and recreational services to be continued or provided to meet the child's needs.

The reason or reasons for inability to obtain any of the above information shall be noted in the assessment report. Where an assessment report could not be completed within 21 days after placement, the reason or reasons shall be noted in the child's file.

PA-04 **Criteria For Out-of-Home Care**

PAS-04.1 The placing agency shall provide written criteria for determining the necessity for the use of out-of-home care including foster care and children's residential care facilities.

PA-05 **The Decision to Place the Child in Care**

PAS-05.1 The decision to place a child in care shall be made in a meeting including no fewer than the worker completing the assessment and a supervisor. Where the decision cannot be made in such a meeting, the worker shall inform the supervisor of the placement as soon as possible thereafter. The decision to place the child shall be recorded in the child's file and, where applicable, in the family's file and shall be signed by the supervisor.

The Foster Care Process

PA-06 **Foster Care Plan**

PAS-06.1 The placing agency worker in consultation with his supervisor shall:

- a) prepare a written preliminary foster care plan for the child prior to selection of the placement for the child with the involvement of the child in a manner suited to the child's age and understanding
- b) seek the agreement to the plan of the child's natural parents and of the child of 12 years of age or over
- c) finalize the plan within 30 days of placement after consultation with the operator and the child's foster parents
- d) obtain the agreement of the operator and the foster parents to the plan.

PAS-06.2 The placing agency worker shall include in the foster care plan:

- a) the anticipated duration and planned outcome of the placement: return to natural parents, independence, permanent foster care placement or adoption

- b) the long-term goals and immediate objectives of foster care for the child designed to meet his developmental, emotional, social, medical and educational needs
- c) the respective individual responsibilities of the child, the natural parents, the operator, the foster parents and placing agency in achieving the objectives
- d) the time period within which the outcome of each objective set is to be met
- e) the methods for developing and/or maintaining the relationship between the child and his natural parents, specifically to include work with the natural parents to make the necessary changes in the home so that the child may return to their care as soon as possible, and visiting by the child with the natural parents and family
- f) the approach or approaches to discipline to be followed with the child
- g) arrangements for informing the school the child currently attends of the transfer of the child to the foster home and where it is appropriate for the child to attend a different school, for enrolling the child in that school
- h) a list of any psychiatric, psychological, remedial, vocational, social and recreational services to be provided to the child by the operator or any other agency or individual professional, and arrangements for the child to attend the services
- i) the frequency, intensity and form of casework to be provided by the placing agency worker during the child's stay in the foster home, which shall include a visit by the worker with the child at least:
 - i) once within the first seven days of placement
 - ii) once again within the first 30 days of placement
 - iii) once every three months thereafter.

The foster care plan shall be recorded in the child's file. Inability to obtain the agreement of the natural parents or the child of 12 years of age or older shall be noted in the plan. A copy of the plan shall be provided to the operator and the contents of the plan shall be shared with the foster parents, the natural parents and the child of 12 years of age or older.

PA-07

Preparation for Separation

PAS-07.1

The placing agency worker shall prepare the child and his natural parents for the separation of the child from them and shall include:

- a) in consultation with the operator, a pre-placement visit by the child with the foster family in their home
- b) recording in the child's file of the manner in which the process of separation was carried out and the reactions of the child and his natural family.

Where a pre-placement visit by the child to the foster home does not take place, the reason or reasons why shall be noted in the child's file.

PA-08

General Health Care and Medical and Dental Services

PAS-08.1

The placing agency shall ensure that the following medical and dental requirements are met for children in care:

- a) determination at the time of admission of:
 - i) evidence of serious bruising or significant injuries, and where there are specific indications that suggest either a medical examination or treatment is urgently required for the child, provision for the examination or treatment
 - ii) symptoms of communicable or contagious diseases or indications of exposure to communicable or contagious diseases within 21 days prior to placement
- b) a complete physical examination by a licensed physician or a registered nurse registered under the Health Disciplines Act, R.S.O. 1980, c. 196 within 30 days of admission to foster care and annually thereafter
- c) a dental examination by a licensed dentist within six months prior to admission or within the first three months after admission or as soon as practicable thereafter for children three years of age and older and at least annually thereafter

- d) further assessment and treatment of hearing and vision if indicated and psychological and psychiatric assessments and treatments where necessary and available
- e) establishment of an ongoing immunization program, except for children whose parents provide a statement of medical or religious exemption
- f) inclusion in each foster child's file of cumulative health and dental records stating the date, the name of the physician or dentist or other professional licensed or registered under the Health Disciplines Act, R.S.O. 1980, c. 196 and treatments provided the child while in the care of the operator.

PA-09

Provisional Homes

PAS-09.1

Where any child is in a home on a provisional basis, the placing agency shall ensure that:

- a) A worker visits the home as soon as practicable within 24 hours, unless otherwise authorized by a supervisor or his designate, to determine that the home is free of hazards to health and physical safety and has a means of communicating with the placing agency
- b) The provisional parents are informed in writing of the serious occurrences involving the child that the provisional parents shall report immediately to the placing agency and are provided with emergency telephone numbers to call to report serious occurrences taking place after office hours. The serious occurrences that shall be reported include:
 - i) the death of the child
 - ii) serious illness, serious injury or hospitalization of the child
 - iii) a charge under the Young Offenders Act
 - iv) abuse or mistreatment of the child
 - v) apprehension by police
 - vi) alcohol or drug abuse
 - vii) fire or other disasters in the home
 - viii) absences of the child without permission from the home
 - ix) any other serious occurrence pertaining to the child.

- c) Within 30 days of the first visit by the worker, the following requirements are fulfilled:
 - i) a further visit with at least one parent within seven days and where there is another parent, with the other within 30 days
 - ii) commencement of an assessment to determine that the parents are appropriate persons to care for the child
 - iii) work with the provisional parents to develop or revise a plan for the child, and agreement of the provisional parents to the plan.
- d) An arrangement is made with the parents in the provisional home for support services to be provided during the child's stay in their home.
- e) The home continues to be visited by the placing agency once every three months thereafter.

PA-10

Emergency Placement

PAS-10.1

The placing agency shall provide a written policy and criteria for emergency placement to assist workers to determine when emergency placements may be undertaken. Where removal of a child from the care of his parents in an emergency is being considered, the procedures shall include but not be limited to the following:

- a) The worker shall consider first an arrangement for the child to live with members of his immediate and extended family. If an arrangement for the child to live with family members cannot be made or is not appropriate, a living arrangement shall be considered secondly with adults known to the child and his natural family and who can meet the child's needs.
- b) If placement is required the worker responsible for placement shall be provided with all available data on the child.
- c) The worker shall determine the need of the child for medical and/or psychiatric assessment at the time of emergency placement to establish whether the child requires specialized care, treatment or placement, arrange for such assessment and record the decision in the child's file.

- d) The worker in consultation with a supervisor shall record in the child's file within five days:
 - i) the circumstances that resulted in emergency placement
 - ii) the location of the child
 - iii) the probable duration of the child's stay in emergency placement
 - iv) the long-term goals and immediate objectives of the placement for the child designed to meet his developmental, emotional, social, medical and educational needs.

PA-11 Placement Review

PAS-11.1 The placing agency with the operator shall review the progress of each child in residential care every three months for the first year the child is in care and annually thereafter, or when there is a change in the legal status of the child or the availability of the natural parents or when there is a change in court order regarding the involvement of the natural parents. The review shall be recorded in the child's file and include:

- a) a statement of the factors necessitating residential care for the child
- b) a statement regarding any change in the conditions that originally necessitated residential care
- c) any changes in the duration and planned outcome of the placement
- d) the progress of the child towards objectives set for the child
- e) a description and evaluation of the child's adjustment to the placement in terms of resolving separation from his natural parents, adaptation to daily life in the placement, attendance and progress in school and participation in recreational and other leisure time activities
- f) the degree of natural family involvement achieved
- g) a description of any child behaviour problems and management methods or procedures used and the results
- h) a statement of purpose for the continuation of residential care for the child and the objectives to be reached during placement.

PA-12 Placement Change

PAS-12.1 Where a decision is made to change the placement, the placing agency shall inform the child's natural parents unless the parents' whereabouts are unknown, the parents are unavailable or they have not been involved with the child either by choice or by court order. The reason for not informing them shall be recorded in the child's file.

PA-13 Informing Natural Parents of Serious Occurrences

PAS-13.1 The placing agency shall inform the natural parents or legal guardian of a child in care within 24 hours or as soon as possible thereafter of:

- a) the death of the child
- b) serious illness, serious injury or hospitalization of the child.

Wherever possible the placing agency shall inform the natural parents in person of the serious illness, serious injury, hospitalization or death of a child in care.

PA-14 Preparation for Discharge

PAS-14.1 The decision to discharge or transfer a child from foster care shall be made by a placing agency worker and his supervisor in consultation with the operator. The worker shall prepare a plan for discharge or transfer which shall be recorded in the child's file and signed by the operator. The plan shall include:

- a) the circumstances or conditions that have changed resulting in the discharge
- b) the process by which the separation of the child and his foster family will be addressed
- c) the date when the discharge will take place
- d) the special needs of the child that must continue to be met after discharge
- e) the name, relationship and current address of the person to whom the child will be discharged or the address of the child's new residence where independent living is planned.

PA-15 Transfer of Records

PAS-15.1 The placing agency shall transfer or arrange for the transfer of information relevant to the care of the child that the agency has developed or confirmed when the child enters care in a residential facility or supervision of the placement is assumed by another agency. The agency shall obtain the written consent to the transfer of information of:

- a) a child over the age of 16 years
- b) the natural parents or legal guardian of a child under the age of 16 years.

PA-16 Aftercare

PAS-16.1 The placing agency shall ensure that a written aftercare plan is developed prior to the termination of residential care for the child. A statement of the goals of aftercare, the services or casework to be provided and the duration of the plan shall be included. A date for discharge of the child from the care and supervision of the agency shall be projected. This plan shall be shared with the natural parents where appropriate and with the child.

PAS-16.2 The placing agency shall involve the operator, the foster parents, the foster child and the natural parents, where the foster child is returning home, in developing a plan for continued support to the child and his natural family after discharge. The specific recommendations shall be recorded in the aftercare plan.





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